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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,215	11/18/2003	Steve Gelphman	14572P-067410US	6035

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

MAJ, TRI M

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,215

Applicant(s)

GELPHMAN, STEVE

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/14/04;12/23/043</u> | 6) <input type="checkbox"/> Other: ____ |

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the articles in claim 1, the sleeve in claim 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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The specification fails to show how the panel is contained within a sleeve. See drawing objection above.

3. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“the contour panel is between any articles” is confusing. The term between is meant to be positioned between two objects. Furthermore, it is unclear what comprises the articles as set forth in the claim. See drawing objection above.

4. Claims 1-5, and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Menetrier (4750654). Menetrier teaches a bag having a body a strap 16 coupled to the body for engaging a user's body above the user arm, an a contour panel shown in Fig. 8 adjacent a side of the body. The contour panel being positioned adjacent the front wall 2 and within the body as claimed (col. 1, ln. 57-60).

Regarding claim 3, note that portion 6 and 10 define a sleeve for the contour panel as claimed.

5. Claims 6, and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menetrier in view of Dausien (5366126). It would have been obvious to one of ordinary skill in the art to provide through holes to save material and/or to provide venting.

Regarding claim 12, it would have been obvious to one of ordinary skill in the art to provide the height of about 9.5 inches to provide the desired dimension for the panel.

6. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker (4286697). Baker teaches a bag, and an contour panel 82

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Regarding claim 3, portions 45 and other walls define the sleeve as claimed.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Dausien. It would have been obvious to one of ordinary skill in the art to provide the reinforcing panel with a plurality of through hole to save material and/or to reduce weight.

8. Claims 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Menetrier. It would have been obvious to one of ordinary skill in the art to provide the reinforcing panel with a ridges and cavities to provide added structural support.

9. Claims 1-7, 9, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Dausien teaches a bag having a body a strap 16 coupled to the body for engaging a user's body above the user arm, an a contour panel shown in Fig. 2 adjacent a side of the body. The contour panel being positioned adjacent the front wall 2 and within the body as claimed (col. 1, ln. 57-60).

The holes comprise the cavities as claimed or the grooves between ridges 16 comprise the cavities as claimed.

TM 10. Claims 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dausien in view of Menetrier. It would have been obvious to one of ordinary skill in the art to provide padding on a side adjacent to the user as taught by Menetrier to provide added comfort.

TM 11. Claims 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dausien. It would have been obvious to one of ordinary skill in the art to provide the curvature of 16.8 and a height of about 9.5 inches to provide the desired dimension for the panel and the desired curved for the reinforcing panel.

Regarding claim 14, ridges 14 are horizontal as claimed.

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11. Applicant's attention is directed to the fact that other rejection(s) can be set forth under 35 U.S.C. 102 and/or 35 U.S.C. 103 with the cited art of record. However, applying these rejections would have been redundant.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai
Primary Examiner
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